

Article - State Government

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§20–609.

- (a) In this section, “reasonable accommodation” means an accommodation:
 - (1) for an employee’s disability caused or contributed to by pregnancy; and
 - (2) that does not impose an undue hardship on the employee’s employer.
- (b) Disabilities caused or contributed to by pregnancy or childbirth:
 - (1) are temporary disabilities for all job–related purposes; and
 - (2) shall be treated as temporary disabilities under any health or temporary disability insurance or sick leave plan available in connection with employment.
- (c) Written and unwritten employment policies and practices involving matters such as the commencement and duration of leave, the availability of extensions of leave, the accrual of seniority and other benefits and privileges, reinstatement, and payment under any health or temporary disability insurance or sick leave plan, formal or informal, shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as they are applied to other temporary disabilities.
- (d) If an employee requests a reasonable accommodation, the employer shall explore with the employee all possible means of providing the reasonable accommodation, including:
 - (1) changing the employee’s job duties;
 - (2) changing the employee’s work hours;
 - (3) relocating the employee’s work area;
 - (4) providing mechanical or electrical aids;
 - (5) transferring the employee to a less strenuous or less hazardous position; or

(6) providing leave.

(e) If an employee requests a transfer to a less strenuous or less hazardous position as a reasonable accommodation, the employer shall transfer the employee for a period of time up to the duration of the employee's pregnancy if:

(1) the employer has a policy, practice, or collective bargaining agreement requiring or authorizing the transfer of a temporarily disabled employee to a less strenuous or less hazardous position for the duration of the disability; or

(2) the employee's health care provider advises the transfer and the employer can provide the reasonable accommodation by transferring the employee without:

(i) creating additional employment that the employer would not otherwise have created;

(ii) discharging any employee;

(iii) transferring any employee with more seniority than the employee requesting the reasonable accommodation; or

(iv) promoting any employee who is not qualified to perform the job.

(f) (1) An employer may require an employee to provide a certification from the employee's health care provider concerning the medical advisability of a reasonable accommodation to the same extent a certification is required for other temporary disabilities.

(2) A certification under paragraph (1) of this subsection shall include:

(i) the date the reasonable accommodation became medically advisable;

(ii) the probable duration of the reasonable accommodation;
and

(iii) an explanatory statement as to the medical advisability of the reasonable accommodation.

(g) An employer shall post in a conspicuous location, and include in any employee handbook, information concerning an employee's rights to reasonable accommodations and leave for a disability caused or contributed to by pregnancy.

(h) An employer may not interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this section.

(i) This section may not be construed to:

(1) affect any other provision of law relating to discrimination on the basis of sex or pregnancy; or

(2) diminish in any way the coverage of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth under this section.

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